REMARKS

This responds to the Office Action mailed on August 14, 2006, and the references cited therewith.

Claims 1, 3, 4, 5, 9, and 13 are amended. Claims 2, 6, 10, and 14 are cancelled. As a result, claims 1, 3-5, 7-9, 11-13, and 15-16 are now pending in this application.

Claim Objections

Claim 4 was objected to as unclear. Claim 4 has been amended with an additional comma for clarity.

§ 102(e) Rejection of the Claims

Claims 1, 3-5, 7-9, 11-13, and 15-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Morin et al. (U.S. 6,748,422, hereinafter "Morin"). To anticipate a claim, the reference must teach and every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Morin does not teach each and every element of claims 1, 3-5, 7-9, 11-13, and 15-16.

Referring to claim 1. Claim 1 has been amended to recite, *inter alia,* "publishing the question and the answer on the listing for the item." The Office Action acknowledges that Morin does not disclose publishing a question and an answer on a listing for an item. Hence, Morin does not teach every element of claim 1. Thus, it is respectfully requested that this rejection be withdrawn.

Referring to claims 3-4. Since a dependent claim is deemed to include all limitations of a claim from which it depends, claims 3-4 are not anticipated by Morin for at least the reasons provided above with respect to claim 1. Thus, it is respectfully requested that these rejections be withdrawn.

Referring to claim 5. Claim 5 has been amended to recite, *inter alia*, "publishing the question and the answer on the listing for the item." For at least the same reasons as provided above with respect to claim 1, Morin does not teach every element of claim 5. Thus, it is respectfully requested that this rejection be withdrawn.

Referring to claims 7-8. Since a dependent claim is deemed to include all limitations of a claim from which it depends, claims 7-8 are not anticipated by Morin for at least the reasons provided above with respect to claim 5. Thus, it is respectfully requested that these rejections be withdrawn.

Referring to claims 9 and 13. Claims 9 and 13 have been amended to recite, *inter alia*, "publishing the question and the answer on the listing for the item." For at least the same reasons as provided above with respect to claims 1 and 5, Morin does not teach every element of either claim 9 or claim 13. Thus, it is respectfully requested that these rejections be withdrawn.

Referring to claims 11-12 and 15-16. Since a dependent claim is deemed to include all limitations of a claim from which it depends, claims 11-12 are not anticipated by Morin for at least the reasons provided above with respect to claim 9, and claims 15-16 are not anticipated by Morin for at least the reasons provided above with respect to claim 13. Thus, it is respectfully requested that these rejections be withdrawn.

§ 103 Rejection of the Claims

Claims 2, 6, 10 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morin, *supra*, in view of Coffman et al. (U.S. Patent Application Publication No. 2004/0215467, hereinafter "Coffman"). The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

The *Fine* court stated that:

> Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (*emphasis in original*).

The M.P.E.P. adopts this line of reasoning, stating that

> In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness for the reason that, even if combined, the cited references fail to teach or suggest all of the elements of Applicants' claimed invention.

Referring to claim 2. Claim 2 has been cancelled. Claim 1 has been amended to recite, *inter alia*, "publishing [a] question and [an] answer on [a] listing for [an] item." The Office Action acknowledges that Morin does not disclose publishing a question and an answer on a listing for an item.

The Office Action, however, points to Coffman, paragraph 0136, which discusses "[a] Display Q&A Log link [that] allows [an] author to click on the link to display a window or log of questions and answers posted at the auction Web site." (Coffman at paragraph 0136.) The preceding paragraphs in Coffman describe various "pop-up window[s]" displayed to this "author." (Coffman at paragraphs 128-135.)

Applicants respectfully point out that "displaying a window or log" to an "author" is not "publishing a question and an answer on a listing for an item." First, displaying questions and

answers to an author does not amount to publishing the questions and answers "on a listing for an item." Second, there is no indication that the questions and answers of Coffman are associated in any way with a listing for an item. Merely being posted somewhere at an auction website does not associate questions and answers with a listing for an item. As a result, neither Coffman nor Morin discusses publishing a question, associated with a listing for an item, and an answer on a listing for an item.

Thus, even if combined, Morin and Coffman are silent with respect to publishing a question and an answer on a listing for an item. The combination of Morin and Coffman, therefore, does not suggest or teach all elements of claim 1. Accordingly, the Office Action has not established a *prima facie* case for obviousness under 35 U.S.C. § 103(a). Thus, it is respectfully requested that this rejection be withdrawn.

Referring to claims 6, 10, and 14. Claims 6, 10, and 14 are cancelled. Claims 5, 9, and 13 are amended to recite, *inter alia*, "publishing [a] question and [an] answer on [a] listing for [an] item." For at least the same reasons as provided above with respect to claim 2, the combination of Morin and Coffman does not suggest or teach all elements of claims 5, 9, and 13. Hence, the Office Action has thus not established a *prima facie* case for obviousness under 35 U.S.C. § 103(a). Therefore, it is respectfully requested that these rejections be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14 day of December 2006.

Peter Rebuffoni

Name

Signature